

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:23-CV-23763-MARTINEZ/BECERRA

ELISABET PRINCIPE,

Plaintiff,

vs.

NOMI HEALTH, INC.,
SBP STAFFING AND RECRUITING LLC,
SB PORT VENTURES LLC, AND
TRIXIE BELO-OSAGI,

Defendants.

**PLALINTIFF'S SECOND UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE MOTION FOR CONDITIONAL CERTIFICATION**

Plaintiff, Elisabet Principe, through her undersigned counsel and pursuant to Fed. R. Civ. P. 12, Local Rule 7.1, and other applicable Rules and laws, request the Court to grant an additional extension of time to file her Motion for Conditional Certification (and to extend the deadline to add parties and file motions for class certification) based upon the agreement of the parties and the following good cause:

1. Plaintiff filed her Complaint alleging that Defendant violated unpaid overtime wage payment requirements under the FLSA, 29 U.S.C. § 201, *et seq.*, on October 2, 2023. [ECF No. 1.]
2. The Court entered its Order Setting Civil Trial Date and Pretrial Schedule, Requiring Mediation, and referring Certain Motions to Magistrate Judge on October 31, 2023. [ECF No. 11.]

3. In that Order, the Court imposed a deadline of February 26, 2024, by which to file “Motions to join additional parties, amend the complaint, and class certification.” *Id.*, at 5.

4. Plaintiff then filed an Amended (Collective Action) Complaint on November 10, 2023. [ECF No. 14.]

5. Four others have since filed their Consent to Join in these proceedings. [ECF Nos. Nos. 15, 22, 23, 29.]

6. Based on the parties’ agreement, Plaintiff initially requested that the Court extend the deadline to file her Motion for Conditional Certification through March 11, 2024. [ECF No. 34.]

7. On February 26, 2024, the Court entered a Paperless Order granting the Unopposed Motion and extending the deadline for Plaintiff to file her Motion for Conditional Certification.¹ [ECF No. 35.]

8. The Court’s grant of additional time has allowed the parties to focus their efforts on their ongoing settlement negotiations in this case, which, if successful, will resolve this litigation and render the Plaintiff’s forthcoming Motion for Conditional Certification moot.

9. In addition, and based on the press of business and commitments in other matters by all counsel of record, as well as certain developments in other related litigation involving the named Defendants in this case, the Plaintiff requests that the Court grant her an additional

¹ After the Court extended the time for Plaintiff to file her Motion for Conditional Certification, the parties resolved related litigation involving a plaintiff who claimed she was misclassified and worked overtime by Defendants. *See Placeres vs. Nomi Health, Inc., SBP Staffing and Recruiting LLC, SB Port Ventures LLC, and Trixie Belo-Osagi*, S.D. Fla. Case No.: 1:23-CV-23843-REID. The resolution of *Placeres*, as a single-plaintiff case, should facilitate the parties’ ability to resolve this multi-plaintiff case.

extension of time of ten days (through March 21, 2024), to file her Motion for Conditional Certification.

10. The undersigned contacted defense counsel, who agreed that an additional ten-day extension through March 21, 2024, would facilitate their attempts to resolve this case.

11. Pursuant to Fed. R. Civ. P. 6(b)(1) “When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires.”

12. It follows that this Court has the power to “control the disposition of the causes on its docket with economy of time and effort for itself, for counsel and for litigants.” *Landis v. North American Co.*, 299 U.S. 248, 254 (1936); *also see Clinton v. Jones*, 520 U.S. 681, 706-707 (1997).

13. Accordingly, the Plaintiff respectfully requests that the Court grant her an additional 10 days to file a Motion for Conditional Certification through March 21, 2024.

WHEREFORE, plaintiff Elisabet Principe respectfully requests the Court to grant her an additional extension of time through March 21, 2024, to file her Motion for Conditional Certification of a Collective Action.

LOCAL RULE 7.1 CERTIFICATION

Counsel for the movant conferred with all parties or non-parties who may be affected by the relief sought in the motion in a good faith effort to resolve the issues raised in the motion and represents that defense counsel agreed to the relief requested above.

FAIRLAW FIRM

Plaintiff's Counsel

s/Brian H. Pollock, Esq.

Brian H. Pollock, Esq.

Respectfully submitted this 11th day of March 2024,

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